

closing said ring.

11.(amended) The bottle carrier device of claim 8 wherein said joining member is a loop of material which encircles a portion of said hook member and which also encircles a portion of said elastomeric bottleneck-engaging member.

REMARKS

The Office Action mailed October 10, 2002 has been received and reviewed. Claims 1-13 are pending with claims 6, 7, 12 and 13 having been withdrawn. Claims 1-5 and 8-11 are rejected. Claims 1, 3, 4 and 8-11 are amended. The Applicant submits that the claims distinguish over the references cited by the Examiner and are in condition for allowance for the reasons stated below.

Rejection of Claims Under 35 U.S.C. § 112

Claims 3 and 10 are rejected under 35 U.S.C. § 112 as being indefinite. The Examiner states that it cannot be determined what is required by "carabiner." The rejection is traversed on the grounds that the term "carabiner" is well-known and defined in the dictionary. Claims 3 and 10 are amended to clarify what the term "carabiner" requires.

Rejection of Claims 1-5 and 8-11 Under 35 U.S.C. § 102(b)

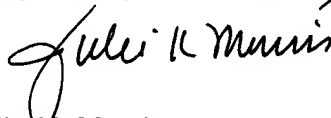
Claims 1-5 and 8-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2,233,238 to Paimer, et al. The rejection is overcome by clarifying amendment.

The claims as filed require a bottle-engaging member for attachment to the neck of a bottle. Claims 1 and 8 are amended to further clarify the requirement of a bottleneck-engaging member. Paimer, et al. do not disclose or suggest any such structure. Rather, Paimer, et al. disclose members for engaging the cylindrical body of the bottle which results in the center of gravity of the bottle being shifted so that the bottle is carried on its side or in a horizontal position, thereby leading to the potential for leakage from the bottle. No such leakage occurs with the bottleneck-engaging member required by the claims. Therefore, claims 1-5 and 8-11 are not anticipated by Paimer, et al. or any other reference.

CONCLUSION

The applicant submits that claims 1-5 and 8-11 present patentable subject matter for the reasons stated above. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



Julie K. Morriss
Attorney for Applicant
Registration No. 33,263
MORRISS, BATEMAN, O'BRYANT & COMPAGNI
136 South Main Street, Suite 700
Salt Lake City, Utah 84101
(801) 478-0071 telephone
(801) 478-0076 facsimile

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VERSION OF AMENDED CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1.(amended) A bottle carrier device, comprising:
a hook member for attachment to a support;
a self-adjusting [bottle] bottleneck-engaging member for attachment about the neck of a
bottle; and
a joining member interconnecting said hook member to said [bottle] bottleneck-
engaging member.

3.(amended) The bottle carrier device of claim 2 wherein said hook member is a
carabiner comprising a ring having a pivoted arm for opening and closing said ring.

4.(amended) The bottle carrier device of claim 1 wherein said self-adjusting
[bottle] bottleneck-engaging member is an elastomeric ring having an internal diameter
sized to be received about the neck of a bottle.

8.(amended) A bottle carrier device, comprising:
an elastomeric [bottle] bottleneck-engaging member;
a closable-loop hook member for attaching to a support; and
a joining member attaching said elastomeric [bottle] bottleneck-engaging member to
said hook member.

9.(amended) The bottle carrier device of claim 8 wherein said elastomeric [bottle] bottleneck-engaging member is an O-ring having a low modulus of elasticity and being sized to be positionable about the neck of a bottle.

10.(amended) The bottle carrier device of claim 9 wherein said closable-loop hook member is a carabiner comprising a ring having a pivoted arm for opening and closing said ring.

11.(amended) The bottle carrier device of claim 8 wherein said joining member is a loop of material which encircles a portion of said hook member and which also encircles a portion of said elastomeric [bottle] bottleneck-engaging member.